

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

WILLIAM MICHAEL UNDERWOOD,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-cv-01016

MCDOWELL COUNTY CIRCUIT COURT, et al.,

Defendants.

JUDGMENT ORDER

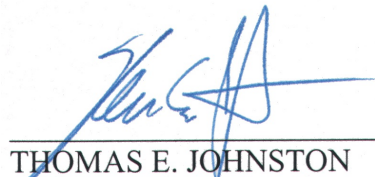
By Standing Order entered on August 1, 2006, and filed in this case on December 4, 2006, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation [“PF&R”]. Magistrate Judge Stanley filed her PF&R on December 15, 2006 [Docket 6]. In that filing, the magistrate judge recommended that this Court (1) find that Plaintiff’s claim brought pursuant to 42 U.S.C. § 1983 is barred by the principles of *Heck v. Humphrey*, 512 U.S. 477 (1994), (2) dismiss the action without prejudice, and (3) deny without prejudice Plaintiff’s Motion to Proceed *in forma pauperis* [Docket 2].

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Here, objections to Magistrate Judge Stanley’s PF&R were due by January 3, 2007, pursuant to 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b). Plaintiff has failed to object to the PF&R.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge Stanley, the Court adopts the findings and recommendations contained therein. Accordingly, the Court hereby (1) **FINDS** that Plaintiff's claim brought pursuant to 42 U.S.C. § 1983 is barred by the principles of *Heck v. Humphrey*, 512 U.S. 477 (1994), (2) **DISMISSES** the action **WITHOUT PREJUDICE**, (3) **DENIES WITHOUT PREJUDICE** Plaintiff's Motion to Proceed *in forma pauperis* [Docket 2], and (4) **DIRECTS** the Clerk to remove this action from the Court's active docket.

The Clerk is further directed to mail a certified copy of this Judgment Order to all counsel of record, the plaintiff, *pro se*, and a copy to Magistrate Judge Stanley.

ENTER: April 4, 2007



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE